UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,855	09/21/2005	Joseph Somerville	A35247-PCT-USA (06585.032	9077

21003 7590 05/27/2010

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

EXAMINER	
WOODS, TERESA S	
ART UNIT	PAPER NUMBER
3686	

NOTIFICATION DATE	DELIVERY MODE
05/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

Office Action Summary	Application No.	Applicant(s)	
	10/517,855	SOMERVILLE, JOSEPH	
	Examiner	Art Unit	
	TERESA WOODS	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This communication is in response to the amendment filed 03/02/10.

2. Claims 34-48 have been amended.

3. Claims 1-48 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghouri (US 2004/0162835 A1) in view of Mohapatra (US 2006/0149416 A1).

7. **Claim 1:**

Ghouri, as shown, discloses the following limitations:

- *determining an originator indicator for the product* (See at least ¶0088)
- *(b) determining a patent status indicator for the product* (See at least ¶0005, ¶0088). The law or regulatory agencies serve as a patent status indicator.
- *(c) determining a source indicator for the product* (See at least Fig. 3, ¶0088)
- *(d) determining a tradename indicator for the product* (See at least Fig. 3, ¶0025, ¶0085, ¶0087)

However, Mohapatra discloses a similar system provided below:

- *(e) categorizing the product as a branded product or a generic product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (a) - (d)* (See at least ¶0093, ¶0104 and Ghouri's ¶0088).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Ghouri so as to have included generic and brand name product classifications of Mohapatra for a more comprehensive pharmaceutical classification system for prescribing medications to patients to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

8. **Claim 2:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses*(e) comprises categorizing the product as a product selected from the group consisting of a branded product, a generic product, and an other product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (a) - (d)* (See at least Fig. 3, ¶0089, ¶0090, ¶0091). Here, the grouping serves as categorizing.

9. **Claim 3:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein step (e) comprises categorizing a product as a product selected from the group consisting of a branded product, a generic product, a branded generic product, and an other product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (a) - (d)* (See at least Fig. 3, ¶0089, ¶0090, ¶0091). Here, the grouping serves as categorizing.

10. **Claim 4:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098).

  Here, the manufacture's name serves as an originator and the chemical description serves as non-originator and other.

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least 0005).

  Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098).

  Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091). Here, numeric, alphanumeric and symbology sets serve as non-tradename and other.

11. **Claim 5:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator* (See at least ¶0098).

  Here, the manufacture's name serves as an originator and the chemical description serves as non-originator and other.

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least ¶0005).

  Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed* (See at least ¶0089, ¶0098).

  Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091).

  Here, numeric, alphanumeric and symbology sets serve as non-tradename and other.

12. **Claim 6:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098).

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least ¶0005)

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098).

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least

¶0085, ¶0091).

13. **Claim 7:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, non-applicable over the counter, other non-applicable, unknown, and other* (See at least ¶0098).
- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, over the counter, and other* (See at least ¶0089, ¶0098).

In the first citation, there are manufactured product names that serve as over

the counter products.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, over the counter, and other* (See at least ¶0089, ¶0098).
- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, over the counter, and other* (See at least ¶0085, ¶0089, ¶0091).

14. **Claim 8:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as originator* (See at least ¶0088)

- *(ii) the patent status indicator classifies the product as on-patent or off-patent (See at* least ¶0005, ¶0088)

- *(iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed* (See at least ¶0089, ¶0098).

- *(iv) the tradename indicator classifies the product as tradename or non-tradename* (See at least ¶0085, ¶0091).

15. **Claim 9:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0091)

- *(ii) the patent status indicator classifies the product as on-patent (See at* least ¶0088)

- *(iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed* (See at least ¶0089, ¶0098).

- *(iv) the tradename indicator classifies the product as tradename or non-tradename* (See at least ¶0085, ¶0091).

16. **Claim 10:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092)

- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092). Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.
- *(iii) the source indicator classifies the product as multi-source* (See at least ¶0089, ¶0098). Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.
- *(iv) the tradename indicator classifies the product as non-tradename* (See at least ¶0085, ¶0091).

17. **Claim 11:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the originator indicator classifies the product as non-applicable over the counter, other non-applicable, unknown, other, or a non-existing category* (See at least ¶0060, ¶0074). Here, both citations all non-applicable over the counter, other non-applicable, unknown, other and non-existing categories are classified within approved medications.

18. **Claim 12:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the patent status indicator classifies the product as a product selected from the group consisting of over the counter, other, and a non-*

existing category (See at least ¶0093, ¶0094). Here, all approved drugs serve as over the counter and non-existing category drugs.

19. **Claim 13:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein the product is categorized as an other product, if the source indicator classifies the product as over the counter, other, or a non-existing category* (See at least ¶0093, ¶0094). Here, all approved drugs serve as over the counter and non-existing category drugs.

20. **Claim 14:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein the product is categorized as an other product, if the tradename indicator classifies the product as over the counter, other, or a non-existing category* (See at least ¶0093, ¶0094). Here, all approved drugs serve as over the counter and non-existing category drugs.

21. **Claim 15:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092).

- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092). Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- (*iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed* (See at least ¶0089, ¶0098).

- *(iv) the tradename indicator classifies the product as tradename* (See at least ¶0085, ¶0091).

22. **Claim 16:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *if the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092)

- *if the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092).

- *if the source indicator classifies the product as single-source or co-licensed* (See at least ¶0089, ¶0098).

- *if the tradename indicator classifies file product as non-tradename* (See at least ¶0085, ¶0091).

23. **Claim 17:**

Ghouri, as shown, discloses the following limitations:

- *(a) an input device for inputting product information* (See at least ¶0127, Claim 1)

- *(i) determining a patent originator indicator for the product* (See at least ¶0088)

- *(ii) determining a patent status indicator for the product* (See at least ¶0088)
- *(iii) determining a source indicator for the product* (See at least Fig. 3, ¶0088)
- *(iv) determining a tradename indicator for the product* (See at least Fig. 3, ¶0025, ¶0085, ¶0087)
- *(v) categorizing the product as a branded product or a generic product using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (i) - (iv); and* (See at least ¶0087, ¶0089)
- (c) *a storage device coupled to the processor for storing the originator indicator, the patent status indicator, the source indicator, and the tradename indicator for the product* (See at least ¶0087, ¶0089, ¶0127, Claim 1).

However, Mohapatra discloses a similar system provided below:

- *(b) a processor coupled to the input device, using said product information* (See at least ¶0216)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Ghouri so as to have included the processor of Mohapatra for maintaining a comprehensive pharmaceutical classification system for prescribing medications to patients to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

24. **Claim 18:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein step (v) comprises categorizing the product as a*

product selected from the group consisting of a branded product, a generic product, and an other product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (i)- (iv) (See at least Fig. 3, ¶0089, ¶0090, ¶0091). Here, the grouping serves as categorizing.

25. **Claim 19:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein step (v) comprises categorizing a product as a product selected from the group consisting of a branded product, a generic product, a branded generic product, and an other product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (i) - (iv)* (See at least Fig. 3, ¶0089, ¶0090, ¶0091). Here, the grouping serves as categorizing.

26. **Claim 20:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098).

Here, the manufacture's name serves as an originator and the chemical description serves as non-originator and other.

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least 0005).

Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098).

Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091).

Here, numeric, alphanumeric and symbology sets serve as non-tradename and other.

27. **Claim 21:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098).
Here, the manufacture's name serves as an originator and the chemical description serves as non-originator and other.

- *wherein the patent status indicator classifies the product as a product sleeted from the group consisting of on-patent, off-patent, and other* (See at least ¶0005).

Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098).

Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091).

Here, numeric, alphanumeric and symbology sets serve as non-tradename and other.

28. **Claim 22:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098).
- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least ¶0005)
- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098).

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091).

29. **Claim 23:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, non-applicable over the counter, other non-applicable, unknown, and other* (See at least ¶0098).
- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, over the counter, and other* (See at least ¶0089, ¶0098).

In the first citation, there are manufactured product names that serve as over

the counter products.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, over the counter, and other* (See at least ¶0089, ¶0098).
- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, over the counter, and other* (See at least ¶0085, ¶0089, ¶0091).

30. **Claim 24:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as originator* (See at least ¶0088)
- *(ii) the patent status indicator classifies the product as on-patent or off-patent (See at* least ¶0005, ¶0088)
- *(iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed* (ee at least ¶0089, ¶0098).
- *(iv) the tradename indicator classifies the product as tradename or non-tradename* (See at least ¶0085, ¶0091).

31. **Claim 25:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0091)
- *(ii) the patent status indicator classifies the product as on-patent (See at* least ¶0088)
- *(iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed* (See at least ¶0089, ¶0098).
- *(iv) the tradename indicator classifies the product as tradename or non-tradename* (See at least ¶0085, ¶0091).

32. **Claim 26:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092)
- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092).

  Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.
- *(iii) the source indicator classifies the product as multi-source* (See at least ¶0089, ¶0098).

  Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.
- *(iv) the tradename indicator classifies the product as non-tradename* (See at least ¶0085, ¶0091).

33. **Claim 27:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the originator indicator classifies the product as non-applicable over the counter, other non-applicable, unknown, other, or a non-existing category* (See at least ¶0060, ¶0074).

34. **Claim 28:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the patent status indicator classifies the product as a*

product selected from the group consisting of over the counter, other, and a non-existing category (See at least ¶0093, ¶0094). Here, all approved drugs serve as over the counter and non-existing category drugs.

35. **Claim 29:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the source indicator classifies the product as over the counter, other, or a non-existing category* (See at least ¶0093, ¶0094). Here, all approved drugs serve as over the counter and non-existing category drugs.

36. **Claim 30:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the tradename indicator classifies the product as over the counter, other, or a non-existing category* (See at least ¶0093, ¶0094). Here, all approved drugs serve as over the counter and non-existing category drugs.

37. **Claim 31:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092).
- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092).

Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *(iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed*
- *(iv) the tradename indicator classifies the product as tradename* (See at least ¶0085, ¶0091).

38. **Claim 32:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *if the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092)
- *if the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092).
- *if the source indicator classifies the product as single-source or co-licensed* (See at least ¶0089, ¶0098).
- *if the tradename indicator classifies file product as non-tradename* (See at least ¶0085, ¶0091).

39. **Claim 33:**

Ghouri, as shown, discloses the following limitations:

- *(a) determining an originator indicator for the product* (See at least ¶0088, ¶0125)
- *(b) determining a patent status indicator for the product* (See at least ¶0088)
- *(c) determining a source indicator for the product* (See at least Fig. 3, ¶0088, ¶0125)
- *(d) determining a tradename indicator for the product* (See at least Fig. 3, ¶0025, ¶0085, ¶0087, ¶0125)
- (*e) categorizing the product as a branded product or a generic product using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (i) - (iv); and* (See at least ¶0087, ¶0089, ¶0125)

Mohapatra further discloses a similar system provided below:

- *A computer-readable medium for categorizing a medical or a pharmaceutical product, the computer-readable medium having a set of instructions operable to direct a processor to perform the steps* (See at least Fig. 1-4, Fig. 10, Abstract, ¶0225; Claim 67, Claim 68).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Ghouri so as to have included the computer-readable medium of Mohapatra for maintaining a comprehensive pharmaceutical classification system for prescribing medications to patients to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

40. **Claim 34:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *comprises categorizing the product as a product*

selected from the group consisting of a branded product, a generic product, and an other product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (a) - (d) (See at least Fig. 3, ¶0089, ¶0090, ¶0091). Here, the grouping serves as categorizing.

41. **Claim 35:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein step (e) comprises categorizing a product as a product selected from the group consisting of a branded product, a generic product, a branded generic product, and an other product, using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator determined in steps (a) - (d)* (See at least Fig. 3, ¶0089, ¶0090, ¶0091). Here, the grouping serves as categorizing.

42. **Claim 36:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098, ¶0125).

Here, the manufacture's name serves as an originator and the chemical description serves as non-originator and other.

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least ¶0005, ¶0125).

  Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098).

  Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091).

  Here, numeric, alphanumeric and symbology sets serve as non-tradename and other.

43. **Claim 37:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator* (See at least ¶0098).

  Here, the manufacture's name serves as an originator and the chemical description serves as non-originator and other.

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least ¶0005).

  Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed* (See at least ¶0089, ¶0098).

  Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091).

  Here, numeric, alphanumeric and symbology sets serve as non-tradename and other.

44. **Claim 38:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, and other* (See at least ¶0098, ¶0125).

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, and other* (See at least ¶0005, ¶0125)

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, and other* (See at least ¶0089, ¶0098, ¶0125).

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, and other* (See at least ¶0085, ¶0091, ¶0125).

45. **Claim 39:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *wherein the originator indicator classifies the product as a product selected from the group consisting of originator, non-originator, non-applicable over the counter, other non-applicable, unknown, and other* (See at least ¶0098, ¶0125).

- *wherein the patent status indicator classifies the product as a product selected from the group consisting of on-patent, off-patent, over the counter, and other* (See at least ¶0089, ¶0098, ¶0125).

In the first citation, there are manufactured product names that serve as over

the counter products.

- *wherein the source indicator classifies the product as a product selected from the group consisting of single source, multiple source, co-licensed, over the counter, and other* (See at least ¶0089, ¶0098, ¶0125).

- *wherein the tradename indicator classifies the product as a product selected from the group consisting of tradename, non-tradename, over the counter, and other* (See at least ¶0085, ¶0089, ¶0091, ¶0125).

46. **Claim 40:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as originator* (See at least ¶0088, ¶0125)
- *(ii) the patent status indicator classifies the product as on-patent or off-patent (See at* least ¶0005, ¶0088, ¶0125)
- *(iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed* (See at least ¶0089, ¶0098, ¶0125).
- *(iv) the tradename indicator classifies the product as tradename or non-tradename* (See at least ¶0085, ¶0091, ¶0125).

47. **Claim 41:**

Ghouri and Mohapatra disclose the limitation mentioned above. However,

Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092, ¶0125)
- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092, ¶0125).

Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *(iii) the source indicator classifies the product as multi-source* (See at least ¶0089, ¶0098, ¶0125).

Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *(iv) the tradename indicator classifies the product as non-tradename* (See at least ¶0085, ¶0091).

48. **Claim 42:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092)
- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092).

Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.

- *(iii) the source indicator classifies the product as multi-source* (See at least ¶0089, ¶0098).

Here, the manufacture's name serves as a single source and the generic name serves as multiple sources, co-licensed, and other.

- *(iv) the tradename indicator classifies the product as non-tradename* (See at least ¶0085, ¶0091).

49. **Claim 43:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the originator indicator classifies the product as non-applicable over the counter, other non-applicable, unknown, other, or a non-existing category* (See at least ¶0060, ¶0074). Here, both citations all non-applicable over the counter, other non-applicable, unknown, other and non-existing categories are classified within approved medications.

50. **Claim 44:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *the patent status indicator classifies the product as a product selected from the group consisting of over the counter, other, and a non-existing category* (See at least ¶0093, ¶0094, ¶0125). Here, all approved drugs serve as over the counter and non-existing category drugs.

51. **Claim 45:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein the product is categorized as an other product, if the source indicator classifies the product as over the counter, other, or a non-existing category* (See at least ¶0093, ¶0094, ¶0125). Here, all approved drugs serve as over the counter and non-existing category drugs.

52. **Claim 46:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses *wherein the product is categorized as an other product, if the tradename indicator classifies the product as over the counter, other, or a non-existing category* (See at least ¶0093, ¶0094, ¶0125). Here, all approved drugs serve as over the counter and non-existing category drugs.

53. **Claim 47:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *(i) the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092, ¶0125)
- *(ii) the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092, ¶0125).
  Here, drug information required by law or regulatory agencies serve as on-patent, off-patent, and other.
- (iii) the source indicator classifies the product as a product selected from the group consisting of single-source, multi-source, and co-licensed (See at least ¶0089, ¶0098, ¶0125).
- *(iv) the tradename indicator classifies the product as tradename* (See at least ¶0085, ¶0091, ¶0125).

54. **Claim 48:**

Ghouri and Mohapatra disclose the limitation mentioned above. However, Ghouri further discloses:

- *if the originator indicator classifies the product as non-originator* (See at least ¶0088, ¶0092, ¶0125)
- *if the patent status indicator classifies the product as off-patent* (See at least ¶0005, ¶0092, ¶0125).
- *if the source indicator classifies the product as single-source or co-licensed* (See at least ¶0089, ¶0098, ¶0125).
- *if the tradename indicator classifies file product as non-tradename* (See at least ¶0085, ¶0091, ¶0125).

Response to Arguments

55. Applicant' arguments with respect to claims 1-48 have been fully considered but are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed 03/02/10.

56. (2) Applicant argues on the basis that the Ghouri and Mohapatra references do not teach *"categorization of a product as brand name or generic"* and *"using said originator indicator, said patent status indicator, said source indicator, and said tradename indicator"*. Rather, Ghouri's system and method teaches law and sole,

regulatory agencies such as the U.S. Food and Drug Administration to publicly reference pharmaceutical products to regulate a drug's origins, patentability and tradename, as mentioned in ¶0005 and ¶0009. Also, in Fig. 3 and ¶0025, Ghouri's system and method maps or categorizes generic medications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Teresa Woods** whose telephone number is **571.270.5509.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

/T. W./
Examiner, Art Unit 3686
04/21/10

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686